

FRANITA TOLSON

Assistant Professor
Florida State University College of Law
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ACADEMIC EXPERIENCE

FLORIDA STATE UNIVERSITY COLLEGE OF LAW

Tallahassee, FL

Assistant Professor

2009 – Present

- **Courses:** Constitutional Law II; Election Law; Employment Discrimination; First Amendment.
- **Committees:** Appointments (2012), Judicial Clerkships (2009-2012), Faculty Enrichment (2010-2011), Faculty Senate (2010-2012).
- **Awards:** First Year Assistant Professor Research Grant (Summer 2010); Summer Research Grant (Summer 2009, 2011).
- **Blogs:** Democracy and Distrust, available at <http://democracyanddistrust.blogspot.com/> and Colored Demos, available at <http://coloredemos.blogspot.com/>.
 - Guest blogger at the Faculty Lounge, available at <http://www.thefacultyounge.org/> (June 2011) and Prawfsblawg, available at <http://prawfsblawg.blogs.com/> (August 2011, February 2012).

NORTHWESTERN UNIVERSITY SCHOOL OF LAW

Chicago, IL

Visiting Assistant Professor

2008 – 2009

- **Courses:** Election Law; The Legal History of Race.

PUBLICATIONS

- *Partisan Gerrymandering and the Politics of Judicial Review*, ___ FLA. L. REV. ___ (2012) (arguing that the judiciary should resolve partisan gerrymandering claims indirectly through section 2 of the Voting Rights Act in order to respect the federalism benefits of partisan gerrymandering and to avoid the politicalization of the judiciary).
- *Reinventing Sovereignty?: Federalism as a Constraint on the Voting Rights Act*, ___ VAND. L. REV. ___ (2012) (arguing that Congress's power under the Elections Clause, when combined with its power to enforce the dictates of the Fourteenth and Fifteenth Amendments, make Congress sovereign over elections, and as such, mandate that the Supreme Court employ rational basis review of the legislative record of the Voting Rights Act for any new constitutional challenges going forward).
- *State Legislative Redistricting, Judicial Review, and the Political Thicket*, ___ ELECTION L.J. ___ (2012) (peer-reviewed) (invited submission) (arguing that the partisan gerrymandering of congressional districts has a federalism benefit that justifies the burden on voters but rigorous judicial regulation of state legislative redistricting through the one person, one vote doctrine can level the playing field by ensuring a more voter-centered outcome).
- *Partisan Gerrymandering as a Safeguard of Federalism*, 2010 UTAH L. REV. 859 (2010)

(arguing that the partisan gerrymandering of congressional districts is federalism reinforcing because states can gerrymander districts in order to send an ideologically cohesive delegation to Congress to protect their regulatory interests).

- *The Boundaries of Litigating Unconscious Discrimination: Firm-Based Remedies in Response to a Hostile Judiciary*, 33 DEL. J. CORP. L. 347 (2008) (arguing that firm based remedies are a more effective response to remedying unconscious discrimination than Title VII).
- *Increasing the Quantity and the Quality of the African-American Vote: Lessons for 2008 and Beyond*, 10 BERKELEY J. AFR.-AM. L. & POL'Y 313 (2008) (arguing that African-Americans should rely on political mobilization rather than judicial intervention to increase the responsiveness of their elected officials).

OTHER PUBLICATIONS

- *Civil Rights or Social Wrongs?: A Comparative Analysis of Discriminatory Laws Against Jews in Nazi Germany and Against Blacks in the State of Indiana*, The McNair Scholarly Review of Truman State University, Vol. 8, Spring 2002.
- *A Byproduct of Industrialization: The East St. Louis Race Riot of 1917*, The McNair Scholarly Review of Truman State University, Vol. 7, Spring 2001.

WORKS IN PROGRESS

- *Original Sin: Federalism, Election Law and the Problem of Precedent* (arguing that the Supreme Court can never effectively decentralize national power in the context of election law because early Supreme Court precedent makes it difficult for the modern court to establish an effective theory of pro-state federalism in any area).
- *Gerrymandering the Voting Rights Act* (arguing that judicial concerns about growing minority political power have undermined the implementation of the Voting Rights Act because the Supreme Court no longer views minority groups as historically disenfranchised groups, but as more akin to interest groups competing for scarce resources who are unfairly advantaged in the process by beneficial federal legislation).
- *Conquered Sovereigns?: The Voting Rights Act and State Authority over Elections* (arguing that the renewed Voting Rights Act is constitutional as applied to state election practices because states retained only limited sovereignty over their electoral systems after the adoption of the Fourteenth and Fifteenth Amendments).

EDUCATION

THE UNIVERSITY OF CHICAGO LAW SCHOOL

- Member, *The University of Chicago Law Review*

J.D., 2005

- Recipient, Thomas Mulroy Prize for Oral Advocacy, Hinton Moot Court Competition (2004-2005)
- Research Assistant, Professor Cass Sunstein (2003-2004)
 - Conducted research for the project, *Are Judges Political? An Empirical Analysis of the Federal Judiciary*

TRUMAN STATE UNIVERSITY - Kirksville, Missouri

B.A./B.S., History, 2001

Cum Laude

- **Awards:** President's Honorary Full Tuition Scholarship • Departmental Honors in History • Truman State University Dean's List • Truman State University Student Excellence Award • National Dean's List • Ronald E. McNair Scholar • Member, Phi Alpha Theta History Honor Society
- **Study Abroad:** University of Liverpool, Liverpool, England (Summer 2001) • Erasmus University, Rotterdam, the Netherlands (Summer 2001) • University of Burgundy, Dijon, France (Summer 2000)

CONFERENCES AND WORKSHOPS ATTENDED

- Workshop, Duke Law School's Center on Law, Race, and Politics (forthcoming May 2012) (invited).
- Federalism Theory Colloquium, Vanderbilt University Law School (forthcoming April 2012) (invited).
- Faculty Workshop, Florida International University School of Law (March 2012) (invited).
 - Presented *Partisan Gerrymandering and the Politics of Judicial Review*
- Prawfsfest!, Loyola Law School Los Angeles (December 2011)
 - Presented *Partisan Gerrymandering and the Politics of Judicial Review*.
- *Major Developments in Redistricting*, The Baldy Center for Law and Policy at the University of Buffalo School of Law (October 2011) (invited).
 - Presented *Reinventing Sovereignty?: Federalism as a Constraint on the Voting Rights Act*
- Loyola University Chicago School of Law Constitutional Law Colloquium (October 2011).
 - Presented *Partisan Gerrymandering and the Politics of Judicial Review*
- Southeastern Law Schools Junior/Senior Faculty Workshop – Wake Forest University School of Law (October 2011).
 - Presented *Reinventing Sovereignty?: Federalism as a Constraint on the Voting Rights Act*
- Law and Society Meeting (June 2011).
 - Presented *Gerrymandering the Voting Rights Act*
- Critical Race Theory Conference, UCLA (March 2011).
 - Presented *Gerrymandering the Voting Rights Act*
- Attendee, *Federalism and its Future*, University of Texas at Austin School of Law (February 2011).
- Southeast Association of Law Schools Annual Meeting (July 2010).
 - Presented *Partisan Gerrymandering as a Safeguard of Federalism*
- Law and Society Meeting (May 2010).

- Presented *Partisan Gerrymandering as a Safeguard of Federalism*
- Panelist, Indiana Law Review Election Law Symposium, Indiana University - Indianapolis School of Law (April 2010) (invited).
- Attendee, AALS Annual Meeting (January 2010).
- Legal Scholarship Workshop, University of Chicago Law School (October 2009).
 - Presented *Partisan Gerrymandering as a Safeguard of Federalism*
- Big Ten Aspiring Scholars Conference (August 2009).
 - Presented *Partisan Gerrymandering as a Safeguard of Federalism*
- Law and Society Meeting (May 2009).
 - Presented *Partisan Gerrymandering as a Safeguard of Federalism*
- Attendee, Midwest Political Science Association Meeting (April 2009).
- Northwestern University School of Law Colloquium on Employment Law (February 2009).
 - Presented *The Boundaries of Litigating Unconscious Discrimination: Firm-Based Remedies in Response to a Hostile Judiciary*
- Panelist, “Do We Still Need Affirmative Action?,” Northwestern University School of Law (January 2009).
- Legal Scholarship Workshop, University of Chicago Law School (December 2008).
 - Presented *The Boundaries of Litigating Unconscious Discrimination: Firm-Based Remedies in Response to a Hostile Judiciary*
- Attendee, Workshop on Conducting Empirical Legal Scholarship: the Advanced Course (October 2008).
- The Midwest Law and Economics Association Conference (October 2008).
 - Presented *The Boundaries of Litigating Unconscious Discrimination: Firm-Based Remedies in Response to a Hostile Judiciary*
- Attendee, Workshop on Conducting Empirical Legal Scholarship (July 2008).
- Panelist, *Setting the Agenda: Examining the Critical Legal Issues Facing African-Americans and Minority Communities in the 2008 Election*, University of California-Berkeley School of Law (November 2007).

OTHER SPEAKING ENGAGEMENTS

- Speaker, Tallahassee Women Lawyers Association, “Assessing the New Florida Election Law and its Impact on Election 2012” (forthcoming June 2012).
- Speaker, Truman State University, “On Being A Responsible Citizen” (March 2012).
- Speaker, University of Chicago Law School, American Civil Liberties Union, “The Dawning of the Age of Obama: Reassessing Campaign Finance, Politics, and Race in the Wake of the 2008 Election” (November 2008).

MEDIA APPEARANCES

- Quoted in “Edison Trustees Expect Tough Legal Fight Against Walker’s High-Powered Lawyers,” *Naples Daily News*, Dec. 4, 2011, available at <http://m.naplesnews.com/news/2011/dec/04/greenberg-traurig-ken-walker-hired-edison-trustee/>

- Legal Analyst for Florida Primary, WCTV, Jan. 31, 2012.
- Interview with Mike Vasilinda, *Facing Florida*, Feb. 26, 2012 (discussing the Florida redistricting process).
- Quoted in Annamarya Scaccia, “Is the Blunt Amendment Constitutional?”, *RH Reality Check*, Feb. 27, 2012, available at <http://www.rhrealitycheck.org/article/2012/02/27/is-blunt-amendment-constitutional>.

LEGAL WORK EXPERIENCE

HON. ANN CLAIRE WILLIAMS, UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Law Clerk

Chicago, IL
2007- 2008

HON. RUBEN CASTILLO, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Law Clerk

Chicago, IL
2005 - 2007

SIDLEY AUSTIN LLP

Summer Associate, Law Clerk

Chicago, IL
2004 - 2005

- Contributor, *Class Certification Issues for Non-Federal Question Class Actions – Defense Perspective*, 728 PLI/Lit 221 (2005)

BLACKWELL SANDERS PEPER MARTIN LLP

Summer Associate

St. Louis, MO
Summer 2003

PROFESSIONAL ACTIVITIES

ASSOCIATION OF AMERICAN LAW SCHOOLS

- Member, Section on Constitutional Law
- Member, Section on Civil Rights
- Member, Section on Minority Groups

FLORIDA BAR ASSOCIATION

- Member, Equal Employment Opportunities Law Section

OTHER

- Member of the Illinois Bar (inactive)

